

## **MINUTES OF FIRST MEETING OF AUGMENTED DRAINAGE BOARD**

### **OAKLAND-MACOMB INTERCEPTOR INTERCOUNTY DRAIN DRAINAGE DISTRICT**

Minutes of a regular meeting of the Augmented Drainage Board of the Oakland-Macomb Interceptor Intercounty Drainage District held at the offices of the Oakland County Water Resources Commissioner, Public Works Building 95 West, One Public Works Drive, Waterford, Michigan on the 14th day of July, 2009, at 3:20 p.m., Eastern Daylight Savings Time.

**PRESENT:** Members Anthony V. Marrocco, Macomb County Public Works Commissioner (MCPWC); John P. McCulloch, Oakland County Water Resources Commissioner (OCWRC); Michael R. Gregg, Deputy for Don Koivisto, Director of the Michigan Department of Agriculture; Paul Gielegghem, Chairperson, Macomb County Board of Commissioners; Bill Bullard, Jr., Chairperson, Oakland County Board of Commissioners; and Tom Middleton, Finance Committee Chairperson, Oakland County Board of Commissioners

**ABSENT:** Member Irene Kepler, Finance Committee Chairperson, Macomb County Board of Commissioners.

**OTHERS PRESENT:** William Misterovich, Chief Deputy Macomb County Public Works Commissioner; Kevin R. Larsen, Chief Deputy, Oakland County Water Resources Commissioner; Craig Hupp, Legal Counsel; Joseph W. Colaianne, OCWRC Attorney and Insurance Administrator; James Pistilli, P.E., Asst. Chief Engineer, MCPWC; and Gene Schabath, Deputy MCPWC; Douglas Buchholz, P.E. OCWRC Director of Operations; Michael McMahon, P.E., OCWRC Engineer.

**REQUEST FOR PUBLIC COMMENT:** Meeting Chair Gregg opened the meeting for comment by the public. No member of the public appeared to comment.

#### **BUSINESS:**

1. Receipt of Petition and Preliminary Findings.

Mr. Pistilli, P.E., Asst. Chief Engineer MCPWC, provided a brief description of the Oakland-Macomb Interceptor project. Mr. Pistilli noted that the system has a history of

failures or collapses as a likely result of poor soil conditions and the manner in which the system was constructed.. A recent engineering study of the portions of the system serving residents of Oakland and Macomb counties indicated that the system required extensive structural rehabilitation to return the system to a condition commensurate with a 20-year life span. The repairs are estimated at approximately \$160,000,000. NTH, Inc. is currently designing.

Member McCulloch noted that the OMI was originally owned by the City of Detroit, but with the extensive nature of the repairs it made more sense to have the Counties own and undertake the repairs. Member McCulloch also indicated that this project is part of the Federal Court settlement between the counties and the City whereby the parties are seeking significant stimulus funds for the project.

Mr. Hupp added that OMI project comprises of the service areas of the Clinton-Oakland Sewage Disposal System and the Macomb County Wastewater Disposal District serving approximately 830,000 residents.

Motion by Member Gielegthem, seconded by Member Bullard, to adopt the following resolution:

WHEREAS, there has been presented to this meeting (a) a petition which was filed with the Director of the Michigan Department of Agriculture on June 18, 2009 by the Charter Township of Clinton of Macomb County, through the Macomb County Public Works Commissioner, and on June 22, 2009 by the Charter Township of Independence of Oakland County, through the Oakland County Water Resources Commissioner (collectively, the "Petition"), to locate, establish, and construct an intercounty drain, the proposed Oakland-Macomb Interceptor, pursuant to the provisions of Chapter 21 of Act 40 of 1956, as amended (the "Drain Code"), for the purpose of acquiring sanitary sewer interceptors and ancillary facilities from the City of Detroit and making improvements thereto, as described in such Petition (the "Project") and (b) a Preliminary Finding of the Director of the Michigan Department of Agriculture dated July 2, 2009 regarding the counties which include public corporations that should be assessed under the provisions of Chapter 21 of the Drain Code for the cost of the proposed drain; and

WHEREAS, pursuant to Section 514 of the Drain Code, a drainage board has been created for the Project consisting of the Director of the Michigan Department of Agriculture, the Macomb County Public Works Commissioner and the Oakland County Water Resources Commissioner; and

WHEREAS, pursuant to Section 517 of the Drain Code, the drainage board has met for the purpose of selecting a secretary, and has selected Oakland County Water Resources Commissioner John P. McCulloch, who shall also act as the secretary of the augmented drainage board created under Section 515 of the Drain Code, consisting of the Director of the Michigan Department of Agriculture, the Macomb County Public Works Commissioner, the Oakland County Water Resources Commissioner, the Chair of the Macomb County Board of Commissioners, the Chair of the Finance Committee of the Macomb County Board of Commissioners, the Chair of the Oakland County Board

of Commissioners, and the Chair of the Finance Committee of the Oakland County Board of Commissioners; and

WHEREAS, there has been presented to this meeting information concerning the Project and the necessity of improvements thereto in order to assure continued wastewater transportation services to the inhabitants of Oakland County and Macomb County, being the counties named in the Preliminary Finding; and

WHEREAS, the Petition for the Project has been considered, and it has been determined to be advisable and necessary for the public health and welfare of the inhabitants of Oakland County and Macomb County that the Project be accomplished;

NOW THEREFORE, BE IT RESOLVED THAT:

1. A tentative determination is hereby made that the Petition is sufficient and that the proposed drain is practicable.
2. The Preliminary Finding is hereby accepted, and a tentative determination is hereby made that the public corporations listed on Exhibit A attached hereto shall be assessed for the Project.
3. The drain described in the Petition shall be named the Oakland-Macomb Interceptor Intercounty Drain and the drainage district shall be named the Oakland-Macomb Interceptor Intercounty Drain Drainage District. The drainage district shall be composed of the public corporations to be assessed for the cost of the Project.
4. Pursuant to Section 519 of the Drain Code, a public hearing shall be held 1 p.m. Eastern Daylight Time, Monday, August 10, 2009 at the Water Resources Conference Room, Offices of the Oakland County, Public Works Building 95 West, One Public Works Drive, Waterford, Michigan, where this Augmented Drainage Board will meet to hear objections to the proposed drain and the Petition, and the matter of assessing the cost of the drain to the public corporations listed on Exhibit A. The secretary of this Augmented Drainage Board is hereby directed to cause notice of hearing substantially in the form attached hereto as Exhibit B to be published twice in both *The Macomb Daily* and *The Oakland Press*. The first publication shall be made not less than 20 days before the date of the hearing. The secretary of this Augmented Drainage Board is further directed to cause the notice of hearing to be sent by registered mail at least 20 days prior to the time of hearing to each public corporation listed on Exhibit A in accordance with Section 519 of the Drain Code.
5. A meeting of this Augmented Drainage Board shall be held at the conclusion of the public hearing to consider the comments made by the public at the hearing and to make a final determination as to the sufficiency of the Petition, the practicability of the proposed Oakland-Macomb Interceptor Intercounty Drain, whether the drain should be established, and the public corporations to be assessed.

AYES:Marrocco, McCulloch, Gregg, Gielegem, Bullard, Middleton

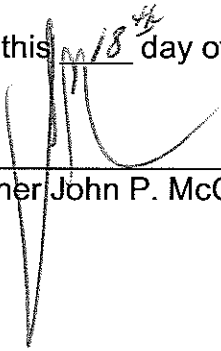
NAYS: None

RESOLUTION DECLARED ADOPTED.

There being no further business to come before the meeting, the meeting was adjourned.

I hereby certify that the foregoing constitutes a true and complete copy of minutes adopted by the Augmented Drainage Board of the Oakland-Macomb Interceptor Intercounty Drain Drainage District, at a meeting held on July 14, 2009, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I have hereunto fixed my official signature on this 18<sup>th</sup> day of August, 2009.



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Commissioner John P. McCulloch, Secretary

**EXHIBIT A**

**TENTATIVE DETERMINATION OF PUBLIC CORPORATIONS TO BE ASSESSED**

## **OAKLAND COUNTY**

City of Auburn Hills  
City Clerk  
1827 N. Squirrel Road  
Auburn Hills, MI  
48326-2749

City of Clarkston  
City Clerk  
375 Depot Road  
Clarkston, MI 48346-1418

City of Lake Angelus  
City Clerk  
45 Gallogly Road  
Lake Angelus, MI  
48326-1228

City of Rochester  
City Clerk  
400 Sixth Street  
Rochester, MI 48307-1400

City of Rochester Hills  
City Clerk  
1000 Rochester Hills Drive  
Rochester Hills, MI  
48309-3034

Charter Township of  
Independence  
Township Clerk  
6483 Waldon Center Drive  
Clarkston, MI 48346-4807

Oakland Township  
Township Clerk  
4393 Collins Road  
Rochester, MI 48306-1619

Orion Township  
Township Clerk  
2525 Joslyn Road  
Orion, MI 48360-1951

Oxford Township  
Township Clerk  
300 Dunlap Road  
Oxford, MI 48371-6900

Village of Lake Orion  
Village Clerk  
37 E. Flint Street  
Lake Orion, MI 48362-  
3274

Village of Oxford  
Village Clerk  
22 W. Burdick Street  
Oxford, MI 48371-4609

Waterford Township  
Township Clerk  
5200 Civic Center Drive  
Waterford, MI 48329-3715

West Bloomfield Township  
Township Clerk  
4550 Walnut Lake Road  
West Bloomfield, MI  
48325-2556

## **MACOMB COUNTY**

Chesterfield Township  
Township Clerk  
47275 Sugarbush Road  
Chesterfield, MI 48047-  
5156

City of Fraser  
City Clerk  
33000 Garfield  
Fraser, MI 48026-1858

City of Sterling Heights  
City Clerk  
40555 Utica Road  
Sterling Heights, MI  
48313-4083

City of Utica  
City Clerk  
7550 Auburn Road  
Utica, MI 48317-5216

Clinton Township  
Township Clerk  
40700 Romeo Plank Road

Clinton Township, MI  
48038-2948

Harrison Township  
Township Clerk  
38151 L'Anse Creuse  
Harrison Township, MI  
48045-3479

Lenox Township  
Township Clerk  
63775 Gratiot  
Lenox, MI 48050-2517

Macomb Township  
Township Clerk  
54111 Broughton Road  
Macomb, MI 48042-1831

Shelby Township  
Township Clerk  
52700 Van Dyke  
Shelby Township, MI  
48316-3556

Village of New Haven  
Village Clerk  
57775 Main Street  
New Haven, MI 48048-  
2627

Washington Township  
Township Clerk  
57900 Van Dyke  
Washington, MI 48094-  
2883

## **EXHIBIT B**

### **FORM OF NOTICE OF HEARING**

#### **NOTICE OF PUBLIC HEARING ON THE PROPOSED OAKLAND-MACOMB INTERCEPTOR INTERCOUNTY DRAIN**

Notice is hereby given that the Augmented Drainage Board for the proposed Oakland-Macomb Interceptor Intercounty Drain Drainage District will meet to hold a public hearing to hear objections to the proposed Oakland-Macomb Interceptor Intercounty Drain and the petition which was filed with the Director of the Michigan Department of Agriculture on June 18, 2009 by the Charter Township of Clinton of Macomb County, through the Macomb County Public Works Commissioner, and on June 22, 2009 by the Charter Township of Independence of Oakland County, through the Oakland County Water Resources Commissioner (collectively, the "Petition") to locate, establish, and construct an intercounty drain, the proposed Oakland-Macomb Interceptor Intercounty Drain, pursuant to the provisions of Chapter 21 of The Drain Code of 1956, as amended, for the purpose of acquiring sanitary sewer interceptors and ancillary facilities from the City of Detroit and making improvements thereto, as described in such Petition; and the matter of assessing the cost of the drain to the public corporations proposed to be assessed as listed below.

The hearing will be held at \_\_\_.m. on \_\_\_\_\_, August \_\_, 2009 at the offices of the Oakland County Water Resources Commissioner, Public Works Building 95 West, One Public Works Drive, Waterford, Michigan.

A meeting of the Augmented Drainage Board shall be held at the conclusion of the public hearing to consider the comments made by the public at the hearing and to make a final determination as to the sufficiency of the Petition, the practicability of the proposed Oakland-Macomb Interceptor Intercounty Drain, whether the drain should be constructed, and the public corporations to be assessed.

The public corporations proposed to be assessed for the cost of the drain are as follows:

In Oakland County: City of Auburn Hills, City of Clarkston, City of Lake Angelus, City of Rochester, City of Rochester Hills, Charter Township of Independence, Oakland Township, Orion Township, Oxford Township, Village of Lake Orion, Village of Oxford, Waterford Township, and West Bloomfield Township.

In Macomb County: Chesterfield Township, City of Fraser, City of Sterling Heights, City of Utica, Clinton Township, Harrison Township, Lenox Township, Macomb Township, Shelby Township, Village of New Haven, and Washington Township.

Copies of the Petition are available for public inspection at the Oakland County Water Resources Commissioner's Office, Public Works Building 95 West, One Public Works Drive, Waterford, Michigan (<http://www.oakgov.com/drain/>), and at the Macomb

County Public Works Commissioner's Office, 21777 Dunham Road, Clinton Township,  
Michigan (<http://macombcountymi.gov/PUBLICWORKS/index.htm>).

Dated: July \_\_\_\_, 2009

/s/  
Secretary



## CERTIFICATE OF MAILING

I certify that on July \_\_, 2009, I mailed the Notice of Hearing dated July \_\_, 2009 relating to the proposed Oakland-Macomb Interceptor Intercounty Drain to each of the public corporations listed on Schedule A attached hereto at the addresses shown on such schedule by registered mail, postage prepaid.

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Print name:

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**SCHEDULE A**  
**PUBLIC CORPORATIONS**

## **OAKLAND COUNTY**

City of Auburn Hills  
City Clerk  
1827 N. Squirrel Road  
Auburn Hills, MI  
48326-2749

City of Clarkston  
City Clerk  
375 Depot Road  
Clarkston, MI 48346-1418

City of Lake Angelus  
City Clerk  
45 Gallogly Road  
Lake Angelus, MI  
48326-1228

City of Rochester  
City Clerk  
400 Sixth Street  
Rochester, MI 48307-1400

City of Rochester Hills  
City Clerk  
1000 Rochester Hills Drive  
Rochester Hills, MI  
48309-3034

Charter Township of  
Independence  
Township Clerk  
6483 Waldon Center Drive  
Clarkston, MI 48346-4807

Oakland Township  
Township Clerk  
4393 Collins Road  
Rochester, MI 48306-1619

Orion Township  
Township Clerk  
2525 Joslyn Road  
Orion, MI 48360-1951

Oxford Township  
Township Clerk  
300 Dunlap Road  
Oxford, MI 48371-6900

Village of Lake Orion  
Village Clerk  
37 E. Flint Street  
Lake Orion, MI 48362-  
3274

Village of Oxford  
Village Clerk  
22 W. Burdick Street  
Oxford, MI 48371-4609

Waterford Township  
Township Clerk  
5200 Civic Center Drive  
Waterford, MI 48329-3715

West Bloomfield Township  
Township Clerk  
4550 Walnut Lake Road  
West Bloomfield, MI  
48325-2556

## **MACOMB COUNTY**

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Township Clerk  
47275 Sugarbush Road  
Chesterfield, MI 48047-  
5156

City of Fraser  
City Clerk  
33000 Garfield  
Fraser, MI 48026-1858

City of Sterling Heights  
City Clerk  
40555 Utica Road  
Sterling Heights, MI  
48313-4083

City of Utica  
City Clerk  
7550 Auburn Road  
Utica, MI 48317-5216

Clinton Township  
Township Clerk  
40700 Romeo Plank Road

Clinton Township, MI  
48038-2948

Harrison Township  
Township Clerk  
38151 L'Anse Creuse  
Harrison Township, MI  
48045-3479

Lenox Township  
Township Clerk  
63775 Gratiot  
Lenox, MI 48050-2517

Macomb Township  
Township Clerk  
54111 Broughton Road  
Macomb, MI 48042-1831

Shelby Township  
Township Clerk  
52700 Van Dyke  
Shelby Township, MI  
48316-3556

Village of New Haven  
Village Clerk  
57775 Main Street  
New Haven, MI 48048-  
2627

Washington Township  
Township Clerk  
57900 Van Dyke  
Washington, MI  
48094-288